

REMARKS

In the final Office action dated May 14, 2007, claims 2-10 and 15-17 were examined. Claims 2, 7-10 and 15 were again allowed as they were in the previous Office action mailed August 28, 2006.

In the August 28, 2006 Office action, claims 3-6 and 17 were rejected under 35 U.S.C. §103 and claim 16 was objected to as depending from rejected claims. In the amendment responding to the August 28, 2006 Office action, applicant amended claim 3 to require the “body” recited in the body of the claim to be a “vehicle body” in keeping with the preamble of the claims. Claim 3 was also amended to require the shape of the modeled body conform to the shape of the modeled load. The claim is reproduced here.

3. (Currently Amended) A process for making a body of a haulage vehicle ~~made by a process~~ comprising:

(a) modeling a shape of a load of heaped material in three dimensions, where the shape of the load of heaped material is substantially conical;

(b) modeling a body of a haulage vehicle to hold the substantially conically shaped load of heaped material, where a shape of the body conforms to the shape of the load of heaped material in three dimensions and is determined by predetermined parameters; and

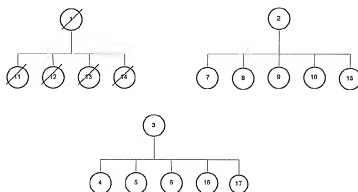
(c) producing the body according to values of the predetermined parameters resulting from modeling of the body.

In this final Office action, the rejection of claims 3-6 and 17 based on 35 U.S.C. §103 has been overcome, but a new rejection has been entered based on 35 U.S.C. §112, second paragraph. The Office action complains that the claims 3-6, 16 and 17 contain vague and indefinite language. The Office action cites specific examples in claim 3 (above) where the language is deemed to be either incomplete (Para. 3 of the Office action) or indefinite (Para. 3.1). Claims 4-6, 16 and 17 depending from claim 3 are said to inherit the defects of claim 3 and, therefore, are also rejected under 35 U.S.C. §112 (Para. 3.2 of Office action). Applicant appreciates the detailed explanation of the Section 112 rejections, which have enabled applicant to better address them. None of the rejections in the Office action are based on prior art.

Applicant acknowledges with appreciation the telephonic interview with Examiner Craig conducted on September 14, 2007. During that interview, applicant presented a

proposed amendment to claim 3 aimed at overcoming the Section 112 rejections of claims 3-6, 16 and 17 and placing the application in condition for allowance. Agreement was reached during the interview that the proposed amendment to claim 3 presented herein overcomes the Section 112 rejection. Therefore, applicant requests entry of the amendment since it places the application in condition for allowance.

A diagram of the relationship among the claims as amended herein is reproduced here.



Related Applications

Applicant reported on the status of two other applications in the previous amendment filed January 29, 2007. Applicant takes this opportunity to provide an updated status report of those applications.

This application is a continuation-in-part of parent U.S. patent application no. 09/333,379. The '379 application is on the docket of examiner Herng Der Day of Art Unit 2128. As of today's date, the '379 application has been amended on August 28, 2007 in response to a non-final Office action rejecting all of the pending claims 1-7, 9-26, 28-36, 38 and 52-87. However, only claims 1-7, 12, 19, 21-26, 29, 60 - 62 and 78-83 were rejected on prior art. Specifically, these claims were rejected as reciting the same invention described in applicant's earlier US Patent No. 5,887,914. In the amendment, all of the rejected independent claims have been either canceled or amended to include subject matter of dependent claims that were not rejected on prior art. Copies of the Office action and the amendment are separately submitted under an Information Disclosure Statement.

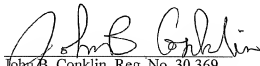
This application is also related to U.S. patent application no. 10/286,095, although there is no formal relationship under 35 U.S.C. §120. The application has been allowed and matured into U. S. Patent No. 7,257,467 on August 14.

CONCLUSION

Entry of this amendment is respectfully requested. This amendment places the application in condition for allowance without raising new issues requiring further examination.

If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John B. Conklin", is written over a horizontal line.

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